**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1014 OF 2006**

**IN**

**CRIMINAL APPEAL NO. 1259 OF 2004**

Subhan Mamtaj Ansari .... Applicant
(Ori.accused no.1)

Vs.

The State of Maharashtra .... Respondent

Mr. D.G. Khamkar for the Applicant.
Mr. D.P. Adsule for the Respondent.

**CORAM : SMT. V.K. TAHILRAMANI,J.**
**DATE : 15TH FEBRUARY 2007**

P.C.

1) Heard learned Advocate for the applicant and learned APP for the State.

2) The applicant has been convicted under Section 392 read with Section 397 of the Indian Penal Code and sentenced to rigorous imprisonment for 7 years. The applicant has preferred this application stating that he was a juvenile at the time of occurrence of the offence and hence he be released forthwith. In support of his contention that the applicant was a juvenile, the applicant has placed reliance on a Transfer Certificate of a School in Hasanpur, Tal. Sultanpur, Dist. Baka, Uttar Pradesh. The Investigating Officer has made an enquiry in respect of the School Transfer

Certificate. It was found that the School mentioned in the Transfer Certificate is not in existence. So also in respect of the person mentioned in the Certificate that is the applicant in the course of enquiry, it was found that there was no such person in that village. An affidavit has been filed by the Investigating Officer, ASI Shri. Barve to this effect. On going through the said Affidavit, it is clear that the Transfer Certificate on which the reliance is placed by the applicant is bogus. In this view of the matter, no case is made out for release of the applicant on the ground that he is a juvenile. Hence, the application is rejected.

3) At this stage, Mr. Khamkar states that the applicant has been sentenced to imprisonment for 7 years and he has been in jail for almost 5 years. Hence, he prayed that appeal may be fixed for final hearing.

4) Looking to the fact that applicant has undergone 5 years of imprisonment, out of 7 years, the appeal be fixed for final hearing. Appeal be placed on final hearing board in the week commencing 26th February 2007. Application is disposed of.

**( SMT. V.K. TAHILRAMANI, J.)**